California Fair Political Practices Commission

February 6, 1989

Sabina D. Gilbert
Special Legal Counsel
City of Lincoln
511 5th Street
Lincoln, CA 95648

Re: Your Request for Informal Assistance
Our File No. I-88-441

Dear Ms. Gilbert:

You have requested advice on behalf of the City of Lincoln ("city") regarding its responsibilities under the conflict-of-interest provisions of the Political Reform Act (the "Act").1/

Your letter does not identify the person about whom you are seeking advice, nor does it indicate that that person authorized your request. Accordingly, we consider your request to be one for informal assistance pursuant to Regulation 18329(c) (copy enclosed).2/

QUESTION

In response to a request for proposals distributed by the city, a lead consultant has assembled a team of subconsultants and submitted a proposal to prepare the public facilities element (PFE) of the city's general plan. A developer who owns an option on some land slated for potential annexation to the city is a source of income to the traffic subconsultant. May the traffic subconsultant perform the traffic studies and other tasks detailed in the enclosure entitled "Transportation and Circulation" (hereafter referred to as "task outline"), in connection with the preparation of the PFE?

1/ Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

2/ Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

CONCLUSION

The traffic subconsultant may perform the traffic studies and other tasks detailed in the task outline in connection with the preparation of the PFE. The traffic subconsultant is not participating in a governmental decision within the meaning of the conflict-of-interest provisions of the Act due to the "significant intervening substantive review" by the lead consultant.

FACTS

The City of Lincoln distributed a request for proposals for the preparation of the PFE in connection with the city's general plan and the annexation of three potential projects adjacent to the city. The lead consultant has assembled a team of subconsultants to participate in the preparation of the PFE and related environmental and financial reports. The subconsultants will provide specialized financial, environmental, and traffic information.

As stated in your letter, the traffic subconsultant's scope of work is as follows:

> [T]he traffic subconsultant's work is limited to conducting traffic studies, providing traffic counts, identifying necessary street designs to maintain an acceptable level of service, and identifying alternative mitigation measures where unacceptable impacts are found. Some of its work product will be included verbatim in the environmental and possibly other documents. The subconsultant, however, is not asked to make recommendations. With the information submitted by the subconsultant, the lead consultant and the City staff will analyze the traffic element of the PFE and, taking into consideration other factors such as the financial report and environmental issues, will formulate recommendations to the City Planning Commission and City Council. The City Council will take final action on the PFE which will include a street system and design.

The task outline details the guidelines developed to adequately analyze the various elements of the traffic study and provide the information required for the preparation of the PFE.

A developer who owns an option on some land slated for potential annexation to the city and included in the PFE is a source of income to the traffic subconsultant, presumably of $250 or more in the preceding 12 months. In addition, you have stated that adoption of the PFE may have a reasonably foreseeable and material financial effect on the developer.

ANALYSIS

Section 87100 prohibits public officials from making, participating in, or using their official positions to influence any governmental decision in which they know or have reason to know they have a financial interest. An official has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from the effect on the public generally, on the official or any member of his or her immediate family, or on:

> (c) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars ($250) or more in value provided to, received by or promised to the public official within 12 months prior to the time when the decision is made.
>
> Section 87103(c).

You have stated that it is reasonably foreseeable that the decision will have a material financial effect on the traffic subconsultant's source of income -- the developer. Therefore, if the traffic subconsultant were deemed a public official, he or she would be prohibited from making, participating in, or using his or her position to influence certain governmental decisions.

Regulation 18700(a) states that a public official includes a consultant of a state or local governmental agency. Subdivision (a)(2) of Regulation 18700 defines a consultant to include:

> [A]ny natural person who provides, under contract, information, advice, recommendation or counsel to a state or local government agency, provided, however, that "consultant" shall not include a person who:
>
> (A) Conducts research and arrives at conclusions with respect to his or her rendition of information, advice, recommendation or counsel <u>independent of the control and direction of the agency or of any agency official</u>, other than normal contract monitoring; and

> (B) Possesses no authority with respect to any agency decision beyond the rendition of information, advice, recommendation or counsel.
>
> Regulation 18700(a)(2)
> (emphasis added).

The relevant regulation defines "consultant" as a "natural person." Thus the firm itself is not a consultant within the meaning of the Act. It is the personnel who actually perform the work who would be consultants.

In a somewhat analogous situation, the Commission in In re Maloney (1977) 3 FPPC Ops. 69 (copy enclosed), stated with respect to a contract county surveyor-engineer:

> Our regulation defining the term "consultant" ... excludes a person who does no more than provide advice, information, recommendation or counsel to an agency and whose advice is provided independent of the agency's control or discretion. 2 Cal. Adm. Code Section 18700(a)(2). The preparation of surveys and engineering studies would appear to fall within this exclusion. When performing these services, the county surveyor-engineer is not involved in any official decision making. He is merely carrying out the terms of a contract just as any vendor of goods or services to the county might. He is not subject to the control or discretion of the county when he performs his work, but is governed only by the provisions of his contract.
>
> In re Maloney, supra at 71
> (emphasis added).

The scope of work of the traffic subconsultant as stated in your letter, includes conducting traffic studies, providing traffic counts, identifying necessary street designs to maintain an acceptable level of service and identifying alternative mitigation measures where unacceptable methods are found. It appears that in performing the above described tasks, the traffic subconsultant is acting independent of the agency's discretion and control. (Maloney, supra.)

The task outline clarifies that a number of basic assumptions will need to be developed in conjunction with the city and approved by the city prior to performing the study. (Task outline, p.2.) For example, the city must approve the proposed study methodology, provide information about the proposed land use in the area, approve the trip distribution characteristics, and identify future proposed circulation systems. We do not believe this contact with the city, which is designed to obtain basic information, and approval of the basic assumptions prior to performing the study, is "control and direction" by the city within the meaning of Regulation 18700(a)(2)(A).

You have specifically stated in your letter that the traffic subconsultant is not asked to make recommendations. When performing the tasks described above, the traffic subconsultant is not involved in any official decision making; he is merely carrying out the terms of the contract. (Maloney, supra.) Thus the traffic subconsultant does not possess any authority with respect to any decisions by the city beyond the rendition of information and advice. Therefore, while performing the above described tasks the traffic subconsultant is not a "consultant" within the meaning of Regulation 18700(a).

In addition to the above mentioned tasks, the task outline states that the traffic subconsultant, working with city staff, will identify trip generation rates for a variety of land uses, assist the city in determining areas of benefit within the study area, comment on alternative financing techniques to distribute the costs, and provide parameters to spread the costs of improvements. As to the last task, you clarified that the traffic subconsultant merely takes the formula provided by the city and plugs in the numbers it has generated. Arguably, while performing the other tasks described above, the traffic subconsultant is not acting independent of the discretion and control of the city, and could be deemed a "consultant" and therefore a "public official" within the meaning of Regulation 18700(a). Nevertheless, the traffic subconsultant may perform the above mentioned tasks if he or she does not "participate in making . . . a governmental decision" within the meaning of Section 87100.

As noted above, Section 87100 prohibits public officials from making, participating in, or using their official positions to influence any governmental decision in which they know or have reason to know they have a financial interest.

> A public official or designated employee "participates in the making of a governmental decision" when, acting within the authority of his or her position, he or she:
>
> (1) Negotiates, without significant substantive review, with a governmental entity or private person regarding the decision; or
>
> (2) Advises or makes recommendations to the decision-maker, either directly or without significant intervening substantive review, by:
>
> > (A) Conducting research or making any investigation which requires the exercise of judgment on the part of the official or designated employee and the purpose of which is to influence the decision; or

> (B) Preparing or presenting any report, analysis or opinion, orally or in writing, which requires the exercise of judgment on the part of the official or designated employee and the purpose of which is to influence the decision.
>
> Regulation 18700(c) (emphasis added).

You have mentioned in your letter that with the information provided by the traffic subconsultant, the lead consultant and city staff will analyze the traffic element of the PFE. Taking into consideration other factors, such as the financial report and environmental issues, they will formulate recommendations to the city planning commission and the city council. Thus, in the tasks described above -- identifying trip generation rates, determining areas of benefit within the city and commenting on alternative financing techniques to distribute the costs -- the traffic subconsultant presents its opinions to the city subject to a significant intervening substantive review by the lead consultant, who is responsible for the preparation of the PFE. Therefore, even if the traffic subconsultant is deemed a "consultant" and hence a "public official" within the meaning of Regulation 18700(a), the traffic subconsultant does not "participate in making . . . a governmental decision" within the meaning of Section 87100. Accordingly, the traffic subconsultant may perform the traffic studies and other tasks detailed in the task outline in connection with the preparation of the PFE.

I trust this letter provides you with the guidance requested. If you have any questions about this letter, please call me at (916) 322-5901.

Sincerely yours,

Diane M. Griffiths
General Counsel

Jeevan S. Ahuja

By: Jeevan Ahuja
Counsel, Legal Division

DMG:JA:ld

Enclosure

CITY OF LINCOLN

OFFICE- Special Counsel

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511 5TH STREET - LINCOLN, CALIFORNIA 95648

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November 18, 1988

Fair Political Practices
Commission
Legal Division
428 J Street, Suite 800
Sacramento, California 95814

Attention: Diane Griffiths, General Counsel

Dear Ms. Griffiths:

I have been asked to request from you formal written advice concerning the meaning of "consultant" as used in Government Code Section 82048 and 2 California Administrative Code Section 18700. The situation in question involves a traffic engineering firm which the City of Lincoln wishes to use to conduct traffic studies, provide traffic counts, identify necessary street designs to maintain an acceptable level of service, and identify alternative mitigation measures where unacceptable impacts are found all in connection with the preparation of a Public Facilities Element (PFE) of the City's General Plan and related financial and environmental documents. This particular traffic engineering firm is uniquely qualified to perform this work because of work done in the geographical area in the past. A developer who owns an option on land which will be part of the PFE study area is a "source of income" to the traffic engineering firm within the meaning of the conflict of interest law. In addition, it is reasonably foreseeable that preparation and adoption of the PFE and related documents may have a material financial effect on the developer. It must be determined, therefore, if the traffic engineering firm is a "consultant" within the meaning of the law.

Background

1. City of Lincoln. The City of Lincoln is a general law city of approximately 7,000 people located in South Placer County. The surrounding area is as yet rural but is rapidly urbanizing. The City is run by a staff of 72 headed by a City Administrator. The City's planning and zoning functions, among other duties, are assigned to the Director of Community Development. There is no subordinate planning staff.

The City regularly contracts with consultants to prepare its planning and zoning documents and related environmental, engineering, and other studies. Generally, the consultants are selected by the City Council based on responses to a Request for Proposals, the City taking into consideration cost, competence, and availability.

2. Public Facilities Element - Preparation. In response to a Request for Proposals distributed by the City, a lead consultant has submitted a proposal to prepare the PFE for the City's General Plan and the related reports. The purpose of the PFE is to provide basic planning information regarding infrastructure needs to serve certain territories located within the City's Sphere of Influence and which are proposed for annexation.

The lead consultant has assembled a team of subconsultants to participate in preparation of the PFE and related environmental and financial reports. The subconsultants will provide specialized financial, environmental, and traffic information. The traffic subconsultant is to conduct traffic studies and provide traffic data needed to size and design the street system. Where the traffic study and data show traffic approaching unacceptable levels of service, this subconsultant shall identify alternative mitigation measures.

The subconsultant shall provide the traffic data and mitigation measures to the lead consultant who will then use this information to prepare the PFE and related documents. This particular traffic subconsultant was selected by the lead consultant because of its unique abilities and existing data base and traffic model developed for the region where the City is located. These resources enable this subconsultant to do the work much more quickly and at much less cost than any other traffic engineer. A detailed description of the Scope of Work assigned to the traffic subconsultant is attached.

Throughout the preparation of the PFE and related documents, numerous public workshops and meetings will be held by the City to let the public know what progress is being made and to insure that assumptions made as work progresses are identified and acceptable. The most critical of these public meetings are noticed public hearings to be conducted by the City Council at which it will review the work then completed by the lead consultant, take staff and public comment on the work, and determine if the work is satisfactorily complete. These public hearings will occur four times during the course of preparation of the PFE and related documents. The Council must find the consultant's work satisfactorily complete before the consultant may proceed to the next phase. The first of these hearings will be held after the lead consultant completes the first phase which sets out the basic assumptions underlying the remainder of the work.

The subconsultant team is expected to attend the public meetings and workshops, particularly the public hearings, to present their respective work even though their work product is to be submitted to the lead consultant.

3. Traffic Subconsultant's Scope of Work. As described above and in the attached Scope of Work, the traffic subconsultant's work is limited to conducting traffic studies, providing traffic counts, identifying necessary street designs to maintain an acceptable level of service, and identifying alternative mitigation measures where unacceptable impacts are found. Some of its work product will be included verbatim in the environmental and possibly other documents. The subconsultant, however, is not asked to make recommendations. With the information submitted by the subconsultant, the lead consultant and the City staff will analyze the traffic element of the PFE and, taking into consideration other factors such as the financial report and environmental issues, will formulate recommendations to the City Planning Commission and City Council. The City Council will take final action on the PFE which will include a street system and design.

4. Developer Source of Income. A developer who owns an option on some land which is located in the City's Sphere of Influence and is slated for annexation pending completion and adoption of the PFE was a "source of income" to the traffic subconsultant within the last twelve months. This relationship stems from a project the developer had in an adjacent county for which it hired the traffic engineering firm in question to design a traffic signal. This is the only work the traffic engineering firm has ever done for the developer. Further, it is reasonably foreseeable that approval of the PFE will significantly affect the value of the property on which the developer owns an option and could result in a material financial effect on the developer. The developer is one of three developers who are to advance to the City approximately $500,000 to fund preparation of the PFE.

Question

Under this scenario, is the traffic subconsultant a "consultant" within the meaning of Government Code Section 82048 (which defines "public official" to include a "consultant of a state or local government agency") and 2 California Administrative Code Section 18700 (a)(2) and therefore a public official subject to the general prohibitions relating to conflict of interests in Governments Code Section 87100 et seq?

Thank you for your assistance in this matter. Please call if you have any questions or need any additional information. I can be reached at (916) 428-1815 on Mondays and Tuesdays, and at (916) 624-3351 on Wednesdays, Thursdays, and Fridays.

Sincerely,

Sabina D. Gilbert

Sabina D. Gilbert
Special Legal Counsel

SDG:ms

Attachment

E. TRANSPORTATION AND CIRCULATION

STUDY PLAN

STUDY PURPOSE

The City of Lincoln has issued a Request For Proposal for the preparation of an Environmental Impact Report for the annexation of three potential projects adjacent to the City. The purpose of the traffic analysis is to identify the transportation infrastructure necessary to support future development on a cumulative city-wide basis. The level of detail required for the study will allow the development of a financing plan for circulation improvements necessary to support anticipated traffic at acceptable Levels-of-Service in the study area.

TRAFFIC APPROACH AND METHODOLOGY

Due to the large study area and the need to evaluate the effect of land use and circulation modifications, OMNI-MEANS will create a transportation model for the study area to identify traffic impacts created by approved and proposed projects in the Study Area. The model to be developed will evaluate daily and PM peak hour traffic conditions and will be a refinement of the model prepared previously for the South Placer County area. Development of this model will allow rapid evaluation of land use and circulation alternatives.

The methodology to be employed will be to evaluate existing transportation conditions, identify additional traffic generation resulting from the proposed land uses in the Study Area, analyze critical impact locations and alternative mitigation measures to assure acceptable future levels of traffic flow throughout the Study Area. Prior to the technical analysis, all initial assumptions will be approved by the City.

The following work program has been developed to adequately analyze the various elements of this traffic study and derive the information necessary to provide the level of detail required for the EIR and financing plan.

Task Series I - Existing Conditions/Assumptions

I-A-1 - Initiation

I-A-1.1 **Study Initiation Meeting.** In order to assure proper understanding and coordination of this study from the outset, an initial meeting would be held with appropriate City staff. Issues to be reviewed in this meeting would include finalization of a time schedule, the desired products, and the assurance of full understanding of the proposed study plan. In addition, all procedures would be discussed including the development of the traffic model, expansion of the existing data base and analysis of the alternative development scenarios and circulation improvements. Contact would also be made with Placer County, CalTrans, and the Sacramento Area Council of Governments to inform them of our study purpose and our desire for coordination between the agencies.

Product: Initial study meeting with City staff, compilation of available data. Introductions with Placer County, Caltrans, and SACOG.

I-E-1 Prepare Critical Assumptions. To provide a consistent basis for the analysis, a number of basic assumptions will need to be developed and approved prior to performing this study. As outlined below, this information must be provided to the consultant or approved by the City prior to beginning the study.

This is akin to the city specifying the method used in providing a service —

I-E-1.1 **Approve Methodology** - Before the study begins, the City will need to approve the proposed study methodology, including use of the MINUTP model, study area intersections, etc.

I-E-1.2 **Establish Traffic Analysis Zones (TAZ's).** Starting with the data base contained in the South Placer County Model the entire Study Area will be divided into a system of traffic zones. The boundaries of these zones will be determined based on land use patterns, physical constraints, and street network.

In addition to the creation of the traffic zones, cordon locations will also be established at all locations on the study area boundary where traffic can enter and leave.

The determination of traffic levels at these cordon locations is critical for it identifies all internal to external, external to internal and external to external (through) travel within and through the study area.

I-E-1.3 **Land Use Inventory.** A land use inventory describing existing and proposed land uses will be provided by the City. This inventory will physically locate and quantify land uses within the study area. Similar information was provided by the City for the South Placer Study, but for a larger, coarser zonal structure. In this effort, the consultant will provide a map of traffic analysis zones (TAZ) for the study area and will ask that the City quantify uses within each zone. Non-residential uses (i.e., commercial/industrial, etc.) will be quantified by acres, while residential units will be quantified by number of single family or multiple family dwelling units.

City is providing information in its possession

I-E-1.4 **Trip Generation Rates** - The trip generation rates will be developed by the consultant from sources including ITE and Caltrans, and approved by the City. Working with City staff, trip generation rates for the variety of land uses within the expanded study area will be identified. ITE, Caltrans and other references will be reviewed to assist in establishing the appropriate rates by land use type.

Trip generation rates are one of the assumptions of the study ~~xxx~~ provided to the

I-E-1.5 **Trip Distribution** - The internal/external distribution of trips must be assumed as well as the directional distribution of external trips. Information from the South Placer County regional transportation model, and existing travel patterns will be used to determine these distributions. The assumed trip distribution characteristics to be used in this study will be approved by the City prior to continuation in the study process.

Trip distribution characteristics approved by the city prior to continuation of the study process.

I-E-1.6 **Future Circulation Improvements** - Future proposed circulation systems will be identified through discussion with City staff. Improvements to be discussed include, but are not limited to, Legislative Route 102, the SR 65 Lincoln Bypass, the SR 193 Bypass, the extension of Joiner Parkway, and the location and design of other future east/west and north/south arterial/collector facilities. The City will delineate an assumed street system for the study areas where development has not been proposed, and will indicate the assumed location of future improvements.

Information possessed by the city

I-E-1.7 **Service Level Criteria** - For daily and peak hour analysis, OMNI-MEANS, will use the criterion calling for a V/C ratio less than or equal to 0.80 which translates to a Service Level of "C" or better. The analysis will identify mitigation necessary to meet this V/C criterion. Techniques prescribed in TRB Circular No. 212 will be used for LOS calculation.

I-E-1.8 **Scenarios to be Tested.** According to the RFP, the City wants the annexation EIR to include traffic projections for the following four specific scenarios:

1. Existing Traffic Plus All Three Annexations
2. Future Cumulative Traffic Without Annexations
3. Future Cumulative Traffic Plus All Three Annexations
4. Future Cumulative Traffic Plus Annexations Plus Urban Reserve

The decision regarding the circulation system against which the four development scenarios will be tested will be made at this time.

Product: A consistent base for evaluation of the land use alternatives and determination of the essential components that will govern the traffic analysis.

I-E-2 - Describe Existing Conditions

I-E-2.1 **Collect and Evaluate Existing Data.** All available existing data will be reviewed, analyzed and summarized. A considerable database has already been established through past efforts by OMNI-MEANS, and other consultants and public agency staffs. Where gaps in the available data are identified, new data will be collected. The tasks which follow discuss the update of both the land use data and traffic count information.

Product: Summary and Evaluation of Existing Traffic Data.

I-E-2.2 **Update Existing Daily Traffic Counts.** OMNI-MEANS has conducted traffic counts in the area to analyze proposed projects. Daily traffic volume information is also available from Caltrans. It is anticipated that only ten to twenty additional daily counts will need to be performed at locations selected by City staff and OMNI-MEANS.

Product: Daily Traffic volume counts at selected locations throughout the Study Area.

I-E-2.3 **Obtain A.M. and P.M. Peak Hour Traffic Counts.** Peak hour traffic counts will be made to evaluate existing traffic conditions. Again, a significant amount of base data may be usable depending on the age of this data. It is anticipated that 10 to 15 key locations will need to be counted and evaluated to assess existing study area peak hour travel flow conditions.

An inventory of all critical streets and intersections in the study area will be prepared. A traffic baseline of operating conditions will be determined through the performance of capacity analysis (i.e., Level-of-Service) for daily and peak hour traffic volumes. At a minimum, the following intersections will be included:

SR 65 & SR 193	SR 193 & "E" Street
SR 65 & Moore Road	Nicholas & "O" Street
SR 65 & 1st Street	3rd Street & "O" Street
SR 65 & 3rd Street	1st Street & "O" Street
SR 65 & 5th Street	SR 65 & 6th Street
SR 65 & 7th Street	

Product: Ten to fifteen peak hour locations counted and evaluated.

I-E-2.4 **Level of Service and Capacity Analysis.** Current traffic operating conditions will be evaluated at study area intersections at critical midpoint locations on roadway segments, Levels-of-Service will be calculated on a peak hour basis utilizing procedures outlined in TRB Circular No. 212. Equipment peak hour Levels-of-Service derived from daily segment volumes will be indicated for major roadways. Existing capacity constraints, bottleneck and hazards will be identified.

Task Series II - **Analysis**

II-E-1 Transportation Model Development. Development of travel demand forecasts for the Lincoln area will involve the use of a computer assisted model. The tasks which follow describe the development of the model.

II-E-1.1 Develop Trip Generation. Traffic will be generated from each TAZ based on the composition of land uses contained within the zone.

Product: Trip generation by TAZ for expanded Study Area.

II-E-1.2 **Create Simulated Street Network.** Using a system of links and nodes, a street network will be created that simulates the existing Study Area circulation system. This simulated street network will be coded and input into the traffic model. Again, this street network will be a refinement of the more general regional network contained in the South Placer model. The information contained in the link data will include segment designation, distance of link, speed, capacity and functional classification.

Product: Coded street network simulating the circulation system. Coded link data input into traffic model with coordinates for plotting capability.

II-E-1.3 **Refine Daily Traffic Model.** Based on the information compiled in the previous tasks, the traffic assignment portion of the traffic model will be developed and tested. The software program that will be utilized throughout this process is called MINUTP. MINUTP is currently one of the more sophisticated and "powerful" traffic modeling programs available on the micro-computer. The MINUTP model incorporates many of the techniques and capabilities of the larger, mainframe traffic models available from UMTA and FHWA in their programming systems of UTPS and Planpac. This program is also the software currently utilized by SACOG.

Traffic assignments for existing traffic conditions will be projected and calibrated to the existing traffic count data. Model calibration criteria typically is within fifteen percent of the existing count on major streets.

Upon validation of the existing conditions traffic model, the model will be ready to test alternative development and circulation scenarios. It should be recognized that even with calibration and validation of the existing traffic model, further calibration may be required for future condition scenarios depending on the magnitude of proposed development and/or change in the circulation system.

Product: Validated traffic model and computer software, written narrative text describing modeling techniques.

II-E-1.4 **Develop PM Peak Hour Traffic Model.** The procedures and input requirements described for the development of the daily traffic model are also similar for the development of a peak hour model. The traffic zonal system and street network developed for the daily traffic model should be appropriate for the peak hour model. Upon establishing PM peak hour traffic generation for each traffic zone, the similar process of distribution, assignment, calibration and validation of traffic projections as in the daily traffic model would be required. Once the peak hour traffic model has been validated, alternative development and circulation scenarios can be tested.

Product: Validated PM Peak Hour Traffic Model for use in testing Alternative Development and Circulation Scenarios.

II-E-1.5 **Develop AM Peak Hour Model (Optional).** Using similar procedures, a model specifically forecasting morning peak hour traffic volumes would be developed. The succeeding study elements would include evaluation of AM peak hour conditions and impacts.

II-E-2 - Transportation Analysis

II-E-2.1 Project **Future Traffic Volumes.** Once the traffic model has been created and calibrated as described in II-E-1.3, future traffic volumes will be projected based on the identified land development scenarios agreed to in Task I-E-1.8.

In addition to land development scenarios, various alternative circulation systems will be tested using the transportation model to address and evaluate the circulation needs and geographical areas of concern. Using a cumulative development scenario with all of the proposed annexations, the following circulation needs will be assessed:

a. The needs of the area with completion of Joiner Parkway without the SR 65 Bypass;

b. The needs of the area with the SR 65 Bypass;

c. The number of interchanges that should be provided on the bypass and their location.

d. The need for additional grade separations over the SR 65 Bypass or over the SPRR;

e. The need for the SR 193 Bypass;

f. The impact of Legislative Route 102;

Product: Traffic model, traffic assignment projections for alternate development proposals and traffic assignment projections for the alternate circulation systems.

II-E-2.2 **Determine Circulation Needs and Potential Impacts.** Based on the traffic assignment projections for each of the alternative scenarios tested, the circulation needs and potential impacts will be identified on daily traffic volumes for each of the alternatives. Critical problem locations will be identified and alternative solutions discussed. Further analysis may then be conducted to assure that the best solution has been selected to solve each specific problem. Alternative solutions to be considered include, but are not limited to, new streets, new interchanges, street widening, lane channelization, signalization, and/or changes in development levels.

Product: Analysis determining circulation capacity needs, potential impact locations and alternative solutions to facilitate traffic flow over the street system.

II-E-2.3 **Evaluate Intersection Level-of-Service.** A detailed analysis will be conducted at critical intersections to evaluate the future traffic impacts of the alternative development scenarios. Once the major street system improvements for critical links and corridors have been identified, each critical intersection location will be analyzed on a peak hour basis to determine the resultant LOS. If additional operational problems are revealed at the intersection level, supplemental improvements will be reviewed and tested to achieve an acceptable LOS. These improvements may include alternative signal phasing, lane channelization, and turn restrictions or prohibition.

OMNI-MEANS has a unique Fortran program package which converts the MINUTP output into a format which may be input into a Level-of-Service calculation. Therefore, it is possible that upon completion of a traffic model run, the data can be directly converted into the Level-of-Service data format and Level-of-Service obtained without any manual transfer of information. If the traffic models have been sufficiently calibrated such a process is extremely efficient. If, however, some manual adjustments are desired to the traffic model inputs, such adjustments can be made and then the Level-of-Service obtained. Numerous intersections are being analyzed, the ability to not manually transfer data or calculate Level-of-Service could reduce analysis time to one-tenth of what would normally be expected.

Product: Illustrative sketches, tabular material, written text describing each step in this analysis.

II-E-2.4 **Critical Facilities Analysis.** This study element would assess the impacts of development of the Lincoln Urban Reserve. For this analysis, development of the reserve would be assumed and the trip generation associated with this use would be added to the travel demand forecasting model. Future traffic projections under a "Future Cumulative Traffic plus Annexations Plus Reserve Areas" scenario would be projected.

The impact of this additional traffic on future traffic operations would be determined, assuming development of the roadway system required to support development prior to buildout of the urban reserve. This analysis would therefore identify the critical locations where additional improvements would be required.

II-E-2.5 **TSM Strategies.** A discussion of Transportation System Management Strategies will be provided along with the identification of major transit facilities such as park and ride lots. The policies adopted by the South Placer Policy Committee relative to TSM and the ridesharing ordinance will specifically be reviewed and appropriately incorporated into this traffic analysis.

II-E-2.6 **Transit Facilities.** Buildout of the Lincoln area will provide the opportunity to develop transit facilities to reduce dependency on the private automobile. In this study element, a reasonable plan for providing transit service will be developed, based on General Plan Guidelines. This plan may include expansion of current facilities, development of possible routes and discussion of the Level-of-Transit service to be provided. The location of facilities to support the transit plan will be determined.

II-E-2.7 **Bicycle Facilities.** Development of Lincoln will require provisions for bicycle facilities linking important attractions within the community and connecting the area to the Placer County Bicycle Master Plan. The location of appropriate bicycle facilities will be determined.

II-E-3 - Roadway Improvements, Cost Estimates and Phasing Plan

II-E-3.1 **Roadway Improvements.** Based on the analysis prepared in II-E-2, roadway improvements will be determined. Typical street and critical intersection cross sections will be provided. Route alignments and right-of-ways will be identified with special consideration given to appropriate City, and State policies and regulations such as the General Plan, City and State Improvement Standards, and City and State Standard Construction Specifications.

Product: Description of selected improvements and alignments.

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data available to the city

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uses city daily traffic model

II-E-3.4 **Cost Estimates.** For the improvements identified and delineated in II-E-3.1 and 3.2, including bridges and interchanges, cost estimates will be prepared utilizing unit costs approved by the City. A unit cost per lineal foot of roadway section will be identified for each typical section, accounting for such factors as right-of-way, curb, gutter, sidewalk, street lights, etc. In addition, the cost of TSM, transit and bicycle will be determined.

Product: Cost estimates.

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II-E-4.1 **Prepare Transportation Element of Administrative Draft EIR.** We will prepare appropriate text, tabular and graphic materials documenting our analysis, results and alternative mitigation measures. We will prepare report quality graphics in a format directed by the City and the lead consultant.

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III-E-1 - Assist Financial Consultant.

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V-E-1 **Public Hearings.** OMNI-MEANS anticipates attendance at a total of seven (7) Public Hearings, as noted below:

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Public Workshop	1

V-E-2 **Progress Meetings.** During the course of the study, OMNI-MEANS anticipates attending regular meetings with City staff to report on our progress and to confirm study direction/intermediate conclusions. Our budget includes attendance at up to eight (8) progress meetings.

88-441

CITY OF LINCOLN

OFFICE- Special Counsel

F P P C
Nov 21 8 35 AM '88

TELEPHONE 645-3314
511 5TH STREET - LINCOLN, CALIFORNIA 95648

November 18, 1988

Fair Political Practices
  Commission
Legal Division
428 J Street, Suite 800
Sacramento, California 95814

Attention: Diane Griffiths, General Counsel

Dear Ms. Griffiths:

I have been asked to request from you formal written advice concerning the meaning of "consultant" as used in Government Code Section 82048 and 2 California Administrative Code Section 18700. The situation in question involves a traffic engineering firm which the City of Lincoln wishes to use to conduct traffic studies, provide traffic counts, identify necessary street designs to maintain an acceptable level of service, and identify alternative mitigation measures where unacceptable impacts are found all in connection with the preparation of a Public Facilities Element (PFE) of the City's General Plan and related financial and environmental documents. This particular traffic engineering firm is uniquely qualified to perform this work because of work done in the geographical area in the past. A developer who owns an option on land which will be part of the PFE study area is a "source of income" to the traffic engineering firm within the meaning of the conflict of interest law. In addition, it is reasonably foreseeable that preparation and adoption of the PFE and related documents may have a material financial effect on the developer. It must be determined, therefore, if the traffic engineering firm is a "consultant" within the meaning of the law.

Background

1. City of Lincoln. The City of Lincoln is a general law city of approximately 7,000 people located in South Placer County. The surrounding area is as yet rural but is rapidly urbanizing. The City is run by a staff of 72 headed by a City Administrator. The City's planning and zoning functions, among other duties, are assigned to the Director of Community Development. There is no subordinate planning staff.

The City regularly contracts with consultants to prepare its planning and zoning documents and related environmental, engineering, and other studies. Generally, the consultants are selected by the City Council based on responses to a Request for Proposals, the City taking into consideration cost, competence, and availability.

2. Public Facilities Element - Preparation. In response to a Request for Proposals distributed by the City, a lead consultant has submitted a proposal to prepare the PFE for the City's General Plan and the related reports. The purpose of the PFE is to provide basic planning information regarding infrastructure needs to serve certain territories located within the City's Sphere of Influence and which are proposed for annexation.

The lead consultant has assembled a team of subconsultants to participate in preparation of the PFE and related environmental and financial reports. The subconsultants will provide specialized financial, environmental, and traffic information. The traffic subconsultant is to conduct traffic studies and provide traffic data needed to size and design the street system. Where the traffic study and data show traffic approaching unacceptable levels of service, this subconsultant shall identify alternative mitigation measures.

The subconsultant shall provide the traffic data and mitigation measures to the lead consultant who will then use this information to prepare the PFE and related documents. This particular traffic subconsultant was selected by the lead consultant because of its unique abilities and existing data base and traffic model developed for the region where the City is located. These resources enable this subconsultant to do the work much more quickly and at much less cost than any other traffic engineer. A detailed description of the Scope of Work assigned to the traffic subconsultant is attached.

Throughout the preparation of the PFE and related documents, numerous public workshops and meetings will be held by the City to let the public know what progress is being made and to insure that assumptions made as work progresses are identified and acceptable. The most critical of these public meetings are noticed public hearings to be conducted by the City Council at which it will review the work then completed by the lead consultant, take staff and public comment on the work, and determine if the work is satisfactorily complete. These public hearings will occur four times during the course of preparation of the PFE and related documents. The Council must find the consultant's work satisfactorily complete before the consultant may proceed to the next phase. The first of these hearings will be held after the lead consultant completes the first phase which sets out the basic assumptions underlying the remainder of the work.

The subconsultant team is expected to attend the public meetings and workshops, particularly the public hearings, to present their respective work even though their work product is to be submitted to the lead consultant.

3. Traffic Subconsultant's Scope of Work. As described above and in the attached Scope of Work, the traffic subconsultant's work is limited to conducting traffic studies, providing traffic counts, identifying necessary street designs to maintain an acceptable level of service, and identifying alternative mitigation measures where unacceptable impacts are found. Some of its work product will be included verbatim in the environmental and possibly other documents. The subconsultant, however, is not asked to make recommendations. With the information submitted by the subconsultant, the lead consultant and the City staff will analyze the traffic element of the PFE and, taking into consideration other factors such as the financial report and environmental issues, will formulate recommendations to the City Planning Commission and City Council. The City Council will take final action on the PFE which will include a street system and design.

4. Developer Source of Income. A developer who owns an option on some land which is located in the City's Sphere of Influence and is slated for annexation pending completion and adoption of the PFE was a "source of income" to the traffic subconsultant within the last twelve months. This relationship stems from a project the developer had in an adjacent county for which it hired the traffic engineering firm in question to design a traffic signal. This is the only work the traffic engineering firm has ever done for the developer. Further, it is reasonably foreseeable that approval of the PFE will significantly affect the value of the property on which the developer owns an option and could result in a material financial effect on the developer. The developer is one of three developers who are to advance to the City approximately $500,000 to fund preparation of the PFE.

Question

Under this scenario, is the traffic subconsultant a "consultant" within the meaning of Government Code Section 82048 (which defines "public official" to include a "consultant of a state or local government agency") and 2 California Administrative Code Section 18700 (a)(2) and therefore a public official subject to the general prohibitions relating to conflict of interests in Governments Code Section 87100 et seq?

Thank you for your assistance in this matter. Please call if you have any questions or need any additional information. I can be reached at (916) 428-1815 on Mondays and Tuesdays, and at (916) 624-3351 on Wednesdays, Thursdays, and Fridays.

Sincerely,

Sabina D. Gilbert

Sabina D. Gilbert
Special Legal Counsel

SDG:ms

Attachment

STUDY PLAN

STUDY PURPOSE

The City of Lincoln has issued a Request For Proposal for the preparation of an Environmental Impact Report for the annexation of three potential projects adjacent to the City. The purpose of the traffic analysis is to identify the transportation infrastructure necessary to support future development on a cumulative city-wide basis. The level of detail required for the study will allow the development of a financing plan for circulation improvements necessary to support anticipated traffic at acceptable Levels-of-Service in the study area.

TRAFFIC APPROACH AND METHODOLOGY

Due to the large study area and the need to evaluate the effect of land use and circulation modifications, OMNI-MEANS will create a transportation model for the study area to identify traffic impacts created by approved and proposed projects in the Study Area. The model to be developed will evaluate daily and PM peak hour traffic conditions and will be a refinement of the model prepared previously for the South Placer County area. Development of this model will allow rapid evaluation of land use and circulation alternatives.

The methodology to be employed will be to evaluate existing transportation conditions, identify additional traffic generation resulting from the proposed land uses in the Study Area, analyze critical impact locations and alternative mitigation measures to assure acceptable future levels of traffic flow throughout the Study Area. Prior to the technical analysis, all initial assumptions will be approved by the City.

The following work program has been developed to adequately analyze the various elements of this traffic study and derive the information necessary to provide the level of detail required for the EIR and financing plan.

Task Series I - Existing Conditions/Assumptions

I-A-1 - Initiation

I-A-1.1 **Study Initiation Meeting.** In order to assure proper understanding and coordination of this study from the outset, an initial meeting would be held with appropriate City staff. Issues to be reviewed in this meeting would include finalization of a time schedule, the desired products, and the assurance of full understanding of the proposed study plan. In addition, all procedures would be discussed including the development of the traffic model, expansion of the existing data base and analysis of the alternative development scenarios and circulation improvements. Contact would also be made with Placer County, CalTrans, and the Sacramento Area Council of Governments to inform them of our study purpose and our desire for coordination between the agencies.

Product: Initial study meeting with City staff, compilation of available data. Introductions with Placer County, Caltrans, and SACOG.

I-E-1 Prepare Critical Assumptions. To provide a consistent basis for the analysis, a number of basic assumptions will need to be developed and approved prior to performing this study. As outlined below, this information must be provided to the consultant or approved by the City prior to beginning the study.

I-E-1.1 **Approve Methodology** - Before the study begins, the City will need to approve the proposed study methodology, including use of the MINUTP model, study area intersections, etc.

I-E-1.2 **Establish Traffic Analysis Zones (TAZ's).** Starting with the data base contained in the South Placer County Model the entire Study Area will be divided into a system of traffic zones. The boundaries of these zones will be determined based on land use patterns, physical constraints, and street network.

In addition to the creation of the traffic zones, cordon locations will also be established at all locations on the study area boundary where traffic can enter and leave.

The determination of traffic levels at these cordon locations is critical for it identifies all internal to external, external to internal and external to external (through) travel within and through the study area.

I-E-1.3 **Land Use Inventory.** A land use inventory describing existing and proposed land uses will be provided by the City. This inventory will physically locate and quantify land uses within the study area. Similar information was provided by the City for the South Placer Study, but for a larger, coarser zonal structure. In this effort, the consultant will provide a map of traffic analysis zones (TAZ) for the study area and will ask that the City quantify uses within each zone. Non-residential uses (i.e., commercial/industrial, etc.) will be quantified by acres, while residential units will be quantified by number of single family or multiple family dwelling units.

I-E-1.4 **Trip Generation Rates** - The trip generation rates will be developed by the consultant from sources including ITE and Caltrans, and approved by the City. Working with City staff, trip generation rates for the variety of land uses within the expanded study area will be identified. ITE, Caltrans and other references will be reviewed to assist in establishing the appropriate rates by land use type.

I-E-1.5 **Trip Distribution** - The internal/external distribution of trips must be assumed as well as the directional distribution of external trips. Information from the South Placer County regional transportation model, and existing travel patterns will be used to determine these distributions. The assumed trip distribution characteristics to be used in this study will be approved by the City prior to continuation in the study process.

I-E-1.6 **Future Circulation Improvements** - Future proposed circulation systems will be identified through discussion with City staff. Improvements to be discussed include, but are not limited to, Legislative Route 102, the SR 65 Lincoln Bypass, the SR 193 Bypass, the extension of Joiner Parkway, and the location and design of other future east/west and north/south arterial/collector facilities. The City will delineate an assumed street system for the study areas where development has not been proposed, and will indicate the assumed location of future improvements.

I-E-1.7 **Service Level Criteria** - For daily and peak hour analysis, OMNI-MEANS, will use the criterion calling for a V/C ratio less than or equal to 0.80 which translates to a Service Level of "C" or better. The analysis will identify mitigation necessary to meet this V/C criterion. Techniques prescribed in TRB Circular No. 212 will be used for LOS calculation.

I-E-1.8 **Scenarios to be Tested.** According to the RFP, the City wants the annexation EIR to include traffic projections for the following four specific scenarios:

1. Existing Traffic Plus All Three Annexations
2. Future Cumulative Traffic Without Annexations
3. Future Cumulative Traffic Plus All Three Annexations
4. Future Cumulative Traffic Plus Annexations Plus Urban Reserve

The decision regarding the circulation system against which the four development scenarios will be tested will be made at this time.

Product: A consistent base for evaluation of the land use alternatives and determination of the essential components that will govern the traffic analysis.

I-E-2 - Describe Existing Conditions

I-E-2.1 **Collect and Evaluate Existing Data.** All available existing data will be reviewed, analyzed and summarized. A considerable database has already been established through past efforts by OMNI-MEANS, and other consultants and public agency staffs. Where gaps in the available data are identified, new data will be collected. The tasks which follow discuss the update of both the land use data and traffic count information.

Product: Summary and Evaluation of Existing Traffic Data.

I-E-2.2 **Update Existing Daily Traffic Counts.** OMNI-MEANS has conducted traffic counts in the area to analyze proposed projects. Daily traffic volume information is also available from Caltrans. It is anticipated that only ten to twenty additional daily counts will need to be performed at locations selected by City staff and OMNI-MEANS.

Product: Daily Traffic volume counts at selected locations throughout the Study Area.

I-E-2.3 **Obtain A.M. and P.M. Peak Hour Traffic Counts.** Peak hour traffic counts will be made to evaluate existing traffic conditions. Again, a significant amount of base data may be usable depending on the age of this data. It is anticipated that 10 to 15 key locations will need to be counted and evaluated to assess existing study area peak hour travel flow conditions.

An inventory of all critical streets and intersections in the study area will be prepared. A traffic baseline of operating conditions will be determined through the performance of capacity analysis (i.e., Level-of-Service) for daily and peak hour traffic volumes. At a minimum, the following intersections will be included:

- SR 65 & SR 193
- SR 65 & Moore Road
- SR 65 & 1st Street
- SR 65 & 3rd Street
- SR 65 & 5th Street
- SR 65 & 7th Street
- SR 193 & "E" Street
- Nicholas & "O" Street
- 3rd Street & "O" Street
- 1st Street & "O" Street
- SR 65 & 6th Street

Product: Ten to fifteen peak hour locations counted and evaluated.

I-E-2.4 **Level of Service and Capacity Analysis.** Current traffic operating conditions will be evaluated at study area intersections at critical midpoint locations on roadway segments, Levels-of-Service will be calculated on a peak hour basis utilizing procedures outlined in TRB Circular No. 212. Equipment peak hour Levels-of-Service derived from daily segment volumes will be indicated for major roadways. Existing capacity constraints, bottleneck and hazards will be identified.

Task Series II - Analysis

II-E-1 Transportation Model Development. Development of travel demand forecasts for the Lincoln area will involve the use of a computer assisted model. The tasks which follow describe the development of the model.

II-E-1.1 **Develop Trip Generation.** Traffic will be generated from each TAZ based on the composition of land uses contained within the zone.

Product: Trip generation by TAZ for expanded Study Area.

II-E-1.2 **Create Simulated Street Network.** Using a system of links and nodes, a street network will be created that simulates the existing Study Area circulation system. This simulated street network will be coded and input into the traffic model. Again, this street network will be a refinement of the more general regional network contained in the South Placer model. The information contained in the link data will include segment designation, distance of link, speed, capacity and functional classification.

Product: Coded street network simulating the circulation system. Coded link data input into traffic model with coordinates for plotting capability.

II-E-1.3 **Refine Daily Traffic Model.** Based on the information compiled in the previous tasks, the traffic assignment portion of the traffic model will be developed and tested. The software program that will be utilized throughout this process is called MINUTP. MINUTP is currently one of the more sophisticated and "powerful" traffic modeling programs available on the micro-computer. The MINUTP model incorporates many of the techniques and capabilities of the larger, mainframe traffic models available from UMTA and FHWA in their programming systems of UTPS and Planpac. This program is also the software currently utilized by SACOG.

Traffic assignments for existing traffic conditions will be projected and calibrated to the existing traffic count data. Model calibration criteria typically is within fifteen percent of the existing count on major streets.

Upon validation of the existing conditions traffic model, the model will be ready to test alternative development and circulation scenarios. It should be recognized that even with calibration and validation of the existing traffic model, further calibration may be required for future condition scenarios depending on the magnitude of proposed development and/or change in the circulation system.

Product: Validated traffic model and computer software, written narrative text describing modeling techniques.

II-E-1.4 **Develop PM Peak Hour Traffic Model.** The procedures and input requirements described for the development of the daily traffic model are also similar for the development of a peak hour model. The traffic zonal system and street network developed for the daily traffic model should be appropriate for the peak hour model. Upon establishing PM peak hour traffic generation for each traffic zone, the similar process of distribution, assignment, calibration and validation of traffic projections as in the daily traffic model would be required. Once the peak hour traffic model has been validated, alternative development and circulation scenarios can be tested.

Product: Validated PM Peak Hour Traffic Model for use in testing Alternative Development and Circulation Scenarios.

II-E-1.5 Develop **AM Peak Hour Model (Optional)**. Using similar procedures, a model specifically forecasting morning peak hour traffic volumes would be developed. The succeeding study elements would include evaluation of AM peak hour conditions and impacts.

II-E-2 - Transportation Analysis

II-E-2.1 **Project Future Traffic Volumes.** Once the traffic model has been created and calibrated as described in II-E-1.3, future traffic volumes will be projected based on the identified land development scenarios agreed to in Task I-E-1.8.

In addition to land development scenarios, various alternative circulation systems will be tested using the transportation model to address and evaluate the circulation needs and geographical areas of concern. Using a cumulative development scenario with all of the proposed annexations, the following circulation needs will be assessed:

a. The needs of the area with completion of Joiner Parkway without the SR 65 Bypass;

b. The needs of the area with the SR 65 Bypass;

c. The number of interchanges that should be provided on the bypass and their location.

d. The need for additional grade separations over the SR 65 Bypass or over the SPRR;

e. The need for the SR 193 Bypass;

f. The impact of Legislative Route 102;

Product: Traffic model, traffic assignment projections for alternate development proposals and traffic assignment projections for the alternate circulation systems.

II-E-2.2 **Determine Circulation Needs and Potential Impacts.** Based on the traffic assignment projections for each of the alternative scenarios tested, the circulation needs and potential impacts will be identified on daily traffic volumes for each of the alternatives. Critical problem locations will be identified and alternative solutions discussed. Further analysis may then be conducted to assure that the best solution has been selected to solve each specific problem. Alternative solutions to be considered include, but are not limited to, new streets, new interchanges, street widening, lane channelization, signalization, and/or changes in development levels.

Product: Analysis determining circulation capacity needs, potential impact locations and alternative solutions to facilitate traffic flow over the street system.

II-E-2.3 **Evaluate Intersection Level-of-Service.** A detailed analysis will be conducted at critical intersections to evaluate the future traffic impacts of the alternative development scenarios. Once the major street system improvements for critical links and corridors have been identified, each critical intersection location will be analyzed on a peak hour basis to determine the resultant LOS. If additional operational problems are revealed at the intersection level, supplemental improvements will be reviewed and tested to achieve an acceptable LOS. These improvements may include alternative signal phasing, lane channelization, and turn restrictions or prohibition.

OMNI-MEANS has a unique Fortran program package which converts the MINUTP output into a format which may be input into a Level-of-Service calculation. Therefore, it is possible that upon completion of a traffic model run, the data can be directly converted into the Level-of-Service data format and Level-of-Service obtained without any manual transfer of information. If the traffic models have been sufficiently calibrated such a process is extremely efficient. If, however, some manual adjustments are desired to the traffic model inputs, such adjustments can be made and then the Level-of-Service obtained. Numerous intersections are being analyzed, the ability to not manually transfer data or calculate Level-of-Service could reduce analysis time to one-tenth of what would normally be expected.

Product: Illustrative sketches, tabular material, written text describing each step in this analysis.

II-E-2.4 **Critical Facilities Analysis.** This study element would assess the impacts of development of the Lincoln Urban Reserve. For this analysis, development of the reserve would be assumed and the trip generation associated with this use would be added to the travel demand forecasting model. Future traffic projections under a "Future Cumulative Traffic plus Annexations Plus Reserve Areas" scenario would be projected.

The impact of this additional traffic on future traffic operations would be determined, assuming development of the roadway system required to support development prior to buildout of the urban reserve. This analysis would therefore identify the critical locations where additional improvements would be required.

II-E-2.5 **TSM Strategies.** A discussion of Transportation System Management Strategies will be provided along with the identification of major transit facilities such as park and ride lots. The policies adopted by the South Placer Policy Committee relative to TSM and the ridesharing ordinance will specifically be reviewed and appropriately incorporated into this traffic analysis.

II-E-2.6 **Transit Facilities.** Buildout of the Lincoln area will provide the opportunity to develop transit facilities to reduce dependency on the private automobile. In this study element, a reasonable plan for providing transit service will be developed, based on General Plan Guidelines. This plan may include expansion of current facilities, development of possible routes and discussion of the Level-of-Transit service to be provided. The location of facilities to support the transit plan will be determined.

II-E-2.7 **Bicycle Facilities.** Development of Lincoln will require provisions for bicycle facilities linking important attractions within the community and connecting the area to the Placer County Bicycle Master Plan. The location of appropriate bicycle facilities will be determined.

II-E-3 - Roadway Improvements, Cost Estimates and Phasing Plan

II-E-3.1 **Roadway Improvements.** Based on the analysis prepared in II-E-2, roadway improvements will be determined. Typical street and critical intersection cross sections will be provided. Route alignments and right-of-ways will be identified with special consideration given to appropriate City, and State policies and regulations such as the General Plan, City and State Improvement Standards, and City and State Standard Construction Specifications.

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Product: Cost estimates.

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California Fair Political Practices Commission

November 22, 1988

Sabrina D. Gilbert
Special Legal Counsel
511 - 5th Street
Lincoln, CA 95648

Re: 88-441

Dear Ms. Gilbert:

Your letter requesting advice under the Political Reform Act was received on November 21, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Jeevan Ahuja, an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Kathryn E. Donovan
Diane M. Griffiths -for
General Counsel

DMG:plh

428 J Street, Suite 800 • P.O. Box 807 • Sacramento CA 95804-0807 • (916)322-5660